

CA NO. 22-50048
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEVEN DUARTE,

Defendant-Appellant.

DC NO. 2:20-cr-00387-AB-1

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S OPENING BRIEF**

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE ANDRE BIROTTE, JR.
United States District Judge

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Appellant Steven Duarte respectfully requests a 59-day extension of time, to and including Friday, January 20, 2023, to file his opening brief. This request is made under Rule 31 of the Federal Rules of Appellate Procedure and Circuit Rule 31-2.2(b), and is based on the attached declaration of counsel.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: November 14, 2022

By /s/ Sonam Henderson

SONAM HENDERSON
Deputy Federal Public Defender
Attorney for Defendant-Appellant

DECLARATION OF SONAM HENDERSON

I, Sonam Henderson, hereby declare:

I am a Deputy Federal Public Defender in the Central District of California, and am responsible for the preparation of the briefing for appellant Steven Duarte. I request a 59-day extension of time to file his opening brief. The current deadline for filing the brief is Tuesday, November 22, 2022, and with the requested extension, the brief would be due Friday, January 20, 2023. This is my third request for an extension: the brief was originally due August 24, 2022, and I extended that deadline via a streamlined extension, and then one motion for a 60 day extension. All transcripts have been prepared, and no reporter is in default.

This appeal arises from Mr. Duarte's conviction after trial and sentence on a charge of violating 18 U.S.C. § 922(g). Mr. Duarte is in custody serving his 51-month sentence in this case. The Bureau of Prisons lists his expected release date as July 4, 2024.

While I have done substantial work on this appeal, even with the exercise of diligence I will not be able to file the opening brief by the current deadline. I spent significant time since my last request completing reply briefs in *United States v. Lucas*, CA No. 22-50064; *United States v. St. Clair*, CA No. 21-50286; *United States v. Ceja Medina*, CA No. 19-50345; and *United States v. Elmezayen*, CA No. 21-50057, with *Elmezayen* in particular absorbing a large amount of my time. I also put significant time into working with trial teams for two upcoming trials in

the Central District, and one more trial that occurred in late September and early October.

The length of the continuance is necessitated by my upcoming work obligations and the interruptions that Thanksgiving and the winter holidays will bring. Perhaps most significantly, I have oral argument coming up in *Elmezayen* on December 8, 2022, and expect that preparing that complicated and voluminous case for argument will absorb a great deal of time over the next three weeks.

Additionally, I have upcoming deadlines in *United States v. Dorantes*, CA No. 22-50193 (opening brief currently due November 30, 2022); *United States v. Ball*, CA No. 21-50306 (reply brief currently due December 12, 2022); *United States v. De Leon Guerrero*, CA No. 22-10042 (opening brief currently due December 27, 2022); *United States v. Rumbaua Damaso*, CA No. 22-10191 (opening brief currently due January 17, 2023). I am also scheduled to present oral argument in *United States v. Ceja Medina*, CA No. 19-50345, on January 12, 2023.

The requested time will allow me to undertake the work necessary to complete the briefing in this case while also fulfilling my other responsibilities. I have been diligent in this case, and I expect to file the brief by the requested date.

I have consulted by email with Assistant United States Attorneys Juan Rodriguez and Kyle Kahan, counsel for the government in this case. They have informed me that the government has no objection to this request.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on November 14, 2022, in Los Angeles, California.

By /s/ Sonam Henderson

SONAM HENDERSON

Deputy Federal Public Defender